

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANDREW FELIX, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

CONNECTAMERICA.COM, LLC,

Defendant.

CASE NO.: 2:25-CV-01695-JMY

**JURY TRIAL DEMANDED**

**DEFENDANT CONNECTAMERICA.COM, LLC'S ANSWER AND AFFIRMATIVE  
DEFENSES TO PLAINTIFF'S COMPLAINT**

AND NOW, comes the Defendant, CONNECTAMERICA.COM, LLC, by and through its counsel, Marshall Dennehey, P.C., Danielle M. Vugrinovich, Esquire and for its Answer and Affirmative Defenses to Plaintiff's Complaint, states as follows:

1. Admitted in part and denied in part. It is admitted that Andre Felix filed the instant putative class action against ConnectAmerica.com under the Telephone Consumer Protection Act (TCPA), 47 U.S.C. §227. However, the averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

2. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

3. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

**I. JURISDICTION AND VENUE**

4. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

5. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

6. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

## **II. PARTIES**

7. Admitted.

8. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

9. Admitted.

10. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

11. Denied as stated. Outbound calls are made by live agents and/or recorded communications to Defendant's existing customers and non-customers who provided consent to receive such contact.

## **III. FACTUAL ALLEGATIONS**

12. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth or falsity of the averments contained within this paragraph; therefore, the same are denied.

13. Because the full and complete phone number plead in the Complaint does not appear, Defendant is not able to properly respond; therefore, the averments in this Paragraph are denied.

14. Denied as stated.

15. Because the full and complete phone number plead in the Complaint does not appear, Defendant is not able to properly respond; therefore, the averments in this Paragraph are denied.

16. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied. Because the full and complete phone number plead in the Complaint does not appear, Defendant is not able to properly respond; therefore, the averments in this Paragraph are denied.

17. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied. Because the full and complete phone number plead in the Complaint does not appear, Defendant is not able to properly respond; therefore, the averments in this Paragraph are denied.

18. Because the full and complete phone number plead in the Complaint does not appear, Defendant is not able to properly respond; therefore, the averments in this Paragraph are denied. After reasonable investigation, at this time, Defendant is without information sufficient to form a belief as to the truth or falsity of the averments contained within this paragraph; therefore, the same are denied

19. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied. Because the full and complete phone number plead in the Complaint does not appear, Defendant is not able to properly respond; therefore, the averments in this Paragraph are denied.

20. Admitted.

21. Admitted.

22. Because the full and complete phone number plead in the Complaint does not appear, Defendant is not able to properly respond; therefore, the averments in this Paragraph are denied.

23. Admitted.

24. Denied. Because the full and complete phone number plead in the Complaint does not appear, Defendant is not able to properly respond; therefore, the averments in this Paragraph are denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

25. Denied. Because the full and complete phone number plead in the Complaint does not appear, Defendant is not able to properly respond; therefore, the averments in this Paragraph are denied.

26. Denied. Because the full and complete phone number plead in the Complaint does not appear, Defendant is not able to properly respond; therefore, the averments in this Paragraph are denied.

27. Denied. Because the full and complete phone number plead in the Complaint does not appear, Defendant is not able to properly respond; therefore, the averments in this Paragraph are denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

28. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth or falsity of the averments contained within this paragraph; therefore, the same are denied.

29. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

30. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

#### **IV. CLASS ACTION ALLEGATIONS**

31. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

32. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

33. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

34. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

35. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

36. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

37. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

38. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

39. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

40. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

41. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

42. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

43. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

44. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

45. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

46. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

47. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

48. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

49. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

50. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

51. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

52. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

53. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

54. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

55. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

56. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

57. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

58. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

59. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

**COUNT I**  
**VIOLATION OF 47 U.S.C. § 227 (b)(1)(A)(iii)**

60. Defendant incorporates its Answer and Affirmative Defenses as if fully set forth herein.

61. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

62. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

### **PRAYER FOR RELIEF**

63. Denied. The averments contained within this Paragraph are conclusions of law to which no response is required; therefore, the same are denied.

### **DEMAND FOR JURY TRIAL**

Defendants demand a trial by jury on all claims asserted against them so triable.

### **AFFIRMATIVE DEFENSES**

Preliminary discovery and investigation has revealed that one or more of the following defenses are or may become available to Stokes in this matter. Accordingly, Defendant asserts these defenses in order to preserve the right to assert them. Upon completion of discovery, and if the facts so warrant, Defendant may withdraw any of these defenses as may be appropriate.

Defendant reserves the right to amend these affirmative defenses, as additional information is obtained through discovery and/or otherwise.

#### **First Affirmative Defense**

Plaintiff failed to state a claim for relief under the TCPA for which this Honorable Court might grant relief.

#### **Second Affirmative Defense**

Any violation of the law or damage suffered by Plaintiff (which Defendant denies) was due to the affirmative actions and/or omissions of Plaintiff or others and does not give rise to a claim for damages against Defendant.

#### **Third Affirmative Defense**

Plaintiff has not suffered any injury in fact and, therefore, lacks the standing required to proceed with this action.



#### **Fourth Affirmative Defense**

Defendant asserts that this suit may not be properly maintained as a class action because: (1) Plaintiff has failed to plead and cannot establish the necessary procedural elements for class treatment; (2) a class action is not an appropriate method for the fair and efficient adjudication of the claims described in the Complaint; (3) individual issues of fact predominate; (4) Plaintiff's claims are not representative or typical of the putative class; (5) Plaintiff is not an adequate representative for the alleged putative class; and (6) Plaintiff cannot satisfy any of the requirements for class action treatment.

#### **Fifth Affirmative Defenses**

Plaintiff's injunction remedy is barred in light of the fact that Plaintiff has an adequate remedy at law.

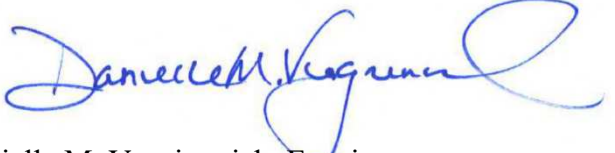
#### **CONCLUSION**

WHEREFORE, Defendant demands judgment in its favor and against Plaintiff.

Respectfully submitted,

MARSHALL DENNEHEY, P.C.

BY:



Danielle M. Vugrinovich, Esquire  
PA ID #88326

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